

**Washington County Land Use Authority Meeting  
February 12, 2013**

The Washington County Land Use Authority Meeting was held Tuesday, February 12, 2013 in the Council Chambers of the Washington County Administration Building located at 197 E. Tabernacle, St. George, UT. The meeting was convened at 1:30 p.m. by Chairman Doug Wilson.

Commissioners present: Dave Everett, Rick Jones, Mike Stucki, Kim Ford, JoAnn Balen, and Julie Cropper (alternate).

Excused: Deborah Christopher.

Staff present: Kurt Gardner, Building Official; Todd Edwards, County Engineer; Erick Clarke, Deputy Attorney; Scott Messel Zoning Administrator; Chris Hall, Administrative Assistant; Ron Whitehead, Public Works Director; Commissioner Dennis Drake.

Chairman Wilson welcomed and thanked everyone for attending. He led the Pledge of Allegiance, after which, he explained meeting protocol.

Chairman Wilson stated Deon Goheen had retired and a new planner has been hired. He welcomed the new planner and asked him to introduce himself. Scott Messel introduced himself. He is moving here from Kaysville. He reported on his background and family.

**I. STAFF COMMENTS.** Review staff comments for each agenda item listed; Staff initiated.

**II. CONDITIONAL USE PERMIT EXTENSION.** Review extension to operate a gravel crusher within the OST-20 Zone, Section 16, T42S, R14W, SLB&M, generally located ¼ mile east of the Washington County Landfill; Dee Atkins, landowner/Western Rock Products, applicant.

Mr. Gardner stated this is the 4<sup>th</sup> extension, with mining and mineral development being conditionally approved within the OST-20 zone (*County Code 10-6A-3*). As reviewed previously, this is an area east of the County Landfill. Sanitation and water needs for dust control have been addressed. This area is to be leased by Western Rock and their initial crushing operation is within the M-1 zone, which is less than one mile to the south of this location. Operating hours, number of haul trucks, and provisions for reclamation of mining and mineral development were addressed. The applicant is in contact with MSHA and EPA on portable crushing and screening equipment that will be reviewed and monitored when the crusher is in place. The documentation will need to be provided to the County to have on file. All trucks are required to be covered with a tarp as per UDOT regulations.

Chairman Wilson asked if the documentation was currently on file. Mr. Gardner answered it was not as the crusher is not on the site. Chairman Wilson stated it would need to be provided when the crusher comes back.

Commissioner Stucki clarified this is Dee's place and he is leasing it to Western Rock. Mr. Gardner said that is correct. Commissioner Stucki then asked when the lease started. Mr. Edwards answered Western Rock has been leasing it the whole time. A short discussion and clarification occurred regarding the lease between Mr. Atkins and Western Rock.

Jeremy Leonard stated he is the General Manager representing Western Rock and Mr. Atkins. He reported the agreement with Mr. Atkins is a royalty agreement. Western Rock comes in and crushes the product and pays royalties once the product sells.

A lengthy discussion regarding conditional use permits ensued. Eric Clarke explained conditional uses and how they are issued and reviewed. He noted they will be discussed these at the end of the meeting.

Mr. Leonard reported the agreement should be on file and if it is not they will provide it to the county. There are two products currently on the site that were crushed a number of years ago, those are road base and landscape rock. There has been no crushing on this site for about five (5) years now. Due to economic factors the material has not been selling very fast. Therefore, they are holding the product and selling it as they can. When the economy picks back up, or when they are low on materials, they will bring the crusher back to crush and resupply materials. At that time, they will provide the documentation to the County. They would like to keep the Conditional Use Permit active.

**Motion: Commissioner Everett MOVED to approve the Conditional Use Permit Extension to operate a gravel crusher within the OST-20 Zone, Section 16, T42S, R14W, SLB&M, generally located ¼ mile east of the Washington County Landfill; Dee Atkins, landowner/Western Rock Products, applicant for one (1) year with the caveat that when the crusher is returned for use the documentation would be supplied to staff. Commissioner Stucki SECONDED. The Motion carried with all six (6) Commissioners voting in favor.**

**III. CONDITIONAL USE PERMIT EXTENSION.** Review extension for the Lake to Lake Team Relay from Gunlock Reservoir to Sand Hollow Reservoir, March 2, 2013, sponsored by the City of St. George Recreation; St George City/Aaron Metler, applicant.

Mr. Gardner reported this is an automatic review and the 4th extension for the “Lake to Lake Team Relay” event, which is scheduled for March 2, 2013. St. George City is the host community for this event, with some of the route being in Washington County, which extends beyond their city limits. This is a one day event that will impact the travel on the Gunlock Road and Highway 91 between 8:00 and 10:00 a.m. As previously reviewed, they have capped the race at 150 teams and only one runner at a time per team. Currently they have 150 teams. Each team may consist of 5 members. The applicant will review last years event and address any issues that may have come up with the routing, garbage, aid stations, course marking, hours, and rules. The Sheriff’s Office worked with the City on a joint safety plan and they will provide law enforcement services at the run. Again, these types of uses are conditionally approved to make the commission and the public aware of activities and locations.

Ron Whitehead stated the applicants will need to provide a traffic and safety plan for Highway 91 as the county will be running trucks up and down the road.

The applicant was not in attendance.

Mr. Gardner reported there does not seem to be much of a change from last year. They are increasing the port-a-potties. The speed limit on the Gunlock road will be lowered to 35 M.P.H. and parking will also be addressed.

Commissioner Stucki stated he did not have a problem with the race being approved; however, the applicants should contact staff to provide the details on the race.

Commissioner Balen had concerns with the trucks running on the Highway with the runners.

Mr. Whitehead stated he would like to see something from the race officials regarding their traffic plan or their race plan due to the construction trucks running along the route. He questioned how they would reduce the speed limit on the road and who approved the change.

Mr. Edwards stated a traffic plan was provided to the County last year and they had utilized barricades to slow the traffic down.

A discussion regarding the speed limit, logistics, the construction, and other minor issues to approve the event took place.

**Motion:** Commissioner Ford MOVED to table approval of the Conditional Use Permit Extension of the Lake to Lake Team Relay event from Gunlock Reservoir to Sand Hollow Reservoir, March 2, 2013 sponsored by the City of St. George Recreation; St. George City/Aaron Melter, applicant, until the applicant would arrive; Commissioner Everett SECONDED. The motion carried with all six (6) Commissioners voting in favor.

Mr. Metler addressed the concerns staff and the commission had regarding the road safety issues due to construction on the road. They will provide a traffic plan to the county this week. He stated the runners will be going through the area between 8:00 to 10:00 a.m. He will contact the contractor to work out the issues.

A short question and answer period regarding the race occurred.

**Motion:** Commissioner Stucki MOVED to approve the Conditional Use Permit Extension of the Lake to Lake Team Relay event from Gunlock Reservoir to Sand Hollow Reservoir, March 2, 2013 sponsored by the City of St. George Recreation contingent upon receipt of the liability certificate and the traffic control being addressed; St. George City/Aaron Melter, applicant, for one (1) year. Commissioner Cropper SECONDED. The motion carried with all six (6) Commissioners voting in favor.

**IV. CONDITIONAL USE PERMIT EXTENSION.** Review permit extension for a charity event for the New Harmony Fire Mud Run to be held on June 22, 2013; races include a 10Km, 5Km, or 1.5Km youth race beginning at Old Highway 91 Bridge in Kolob Mountains Ranches Subdivision; Manuel “Manny” Hernandez, agent.

Mr. Gardner reported this would be the 3rd extension for this event. This event will be held on June 22, 2013. The event will start and finish on Old Highway 91, adjacent to the temporary helicopter LZ opposite the reservoir at the Kolob Mountain Ranch subdivision. The “Mud Run” will be a series of races designed to challenge the individual or teams to race using military style obstacles. This would include the scaling of walls, culvert pipe crawls, hay bale barricades, and mud pits. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application (*County Code 10-18-2 (amended 2008)*). The proposal and plan outline addresses an emergency service plan, parking, transport, and road closure, which will need to be reviewed by the Public Works Department. The plan also addresses refuse and port-a-potties. The applicant has been asked to contact the Sheriff’s Office for review of services. In addition, once the race leaves the pavement, there may be approximately 1 mile of BLM land that would be used. Staff has asked the agent to review the application with BLM. An updated liability insurance policy listing Washington County as a beneficiary will need to be submitted to the County.

Commissioner Everett asked if the insurance policy has been submitted to the county.

Todd Edwards reported one of the roads they will be using Juniper Way, was damaged during the 2010 floods. The County will be making repairs to that road and the applicants should be aware of that issue. There may be additional barricades and we may make more mud for them.

Mr. Gardner stated there is a note in the file that says the race directors are working to obtain the insurance through Dixie Leavitt Insurance Agency.

Manuel “Manny” Hernandez and Dick Duesberg representing the event addressed the commission. Mr. Hernandez stated this is the fourth year and the prior years have been very successful with attendance and participation including the children. They will be using part of Juniper Way. The only concern they have is the access to Juniper Way. They reiterated they only use a portion of the road. They explained that the main purpose of this event is to raise funds for firefighting equipment not provided for by public funding or grants. Mr. Duesberg explained how mud runs came about, noting it comes from military training. It is an obstacle course. They explained the event in detail.

Commissioner Balen asked how many participants they had last year. Mr. Duesberg stated there were 372 last year and the first year there were 215. They are increasing participation by 40% every year. They have men, women, and children who get involved in the event. The youngest participants were 4 years old.

Commissioner Balen asked about the insurance policy and if it was in place. Mr. Hernandez stated they will be using Farmers Insurance again this year and will submit that to the County when it is issued.

There was a discussion on the past events and participation.

**Motion: Commissioner Balen MOVED to approve the Conditional Use Permit Extension for a charity event for New Harmony Fire Mud Run to be held on June 22, 2013; races to include a 10K, 5K, and 1.5K for youth, beginning at Old Highway 91 Bridge in Kolob Mountain Ranches Subdivision with the condition that the insurance certificate will be in place and submitted to the County before the event takes place; Manuel "Manny" Hernandez agent. Commissioner Ford SECONDED. The motion carried with all six (6) Commissioners voting in favor.**

**V. CONDITIONAL USE PERMIT EXTENSION.** Review extension of permit for a charity ride "Tour de St. George" spring event to be held on April 20, 2013 and the fall event on October 26, 2013. The route will loop from St. George up Highway 18 to Veyo then back via the road from Veyo to Gunlock and Highway 91 back to St. George; Spin Geeks, LLC/Red Rock Bicycle, applicant.

Mr. Gardner reported this event, The "Tour de St. George", has been running since 2005. The planning commission reviewed this item in 2005, 2006, 2009, 2010, 2011, and 2012. This is a combined youth & adult ride. The spring event will be held Saturday, April 20, 2013 and the fall event will be held October 26, 2013. This is a 100-mile recreational bicycle ride, with approximately 300-400 riders. It is a one-day event starting in St. George. They will be doing a loop from St. George up Highway 18 to Veyo then back via the road from Veyo to Gunlock and Highway 91 back to St. George. Therefore, the route will impact some county roads. There will be three (3) sanitary facilities at each rest station. The organizers have taken care of all the community approvals. The County Sheriff will need to be notified of this event and the County has previously been listed as a beneficiary on the liability insurance policy. There have been no complaints on this event. The commission considered granting permanent status approval on this event last year, although it was not an actual part of the motion.

Commissioner Ford stated he had a question on granting permanent status and if it was something that should be done when the event continually evolves. Mr. Gardner answered they will be talking about this at the end of the meeting. Commissioner Ford stated he was not comfortable in approving this on a permanent basis.

A short discussion took place regarding issues and concerns of giving events permanent status. A discussion on the differences with a conditional use permit as opposed to an event permit also took place.

Commissioner Cropper asked for clarification on the event being one or two events. Mr. Gardner stated it is two events one in the spring and one in the fall wrapped into one permit.

Commissioner Cropper then asked if this would affect other events who want to add additional dates. Mr. Gardner reported this is only for these two races that use the same name but take place at different times. If someone else came in with the same type of request we would look at them on an individual basis.

Commissioner Everett asked if the event director has submitted their liability to the county. Mr. Gardner answered he did not know. Chairman Wilson reported on the event check list that the applicants should be required to meet.

A discussion regarding the event checklist occurred.

Mr. Whitehead stated there is not an issue with this race as the contractors should be completed by then.

Margaret Gibson stated she represented SpinGeeks who are putting the race on. They have been doing this for seven years now during the spring and fall. She said they did not ask for permanent status and was somewhat confused by the request. The courses change every year and she did not have a problem coming in and updating the commission on the status and course of the race. They do follow the construction and change the course as needed. They also follow all of the rules the cities and the county places on them.

Commissioner Balen asked if it is one person who rides the one hundred miles. Ms. Gibson answered yes; one person rides the course. Each race has three options. The first is the city loop which is 30 miles and starts at Town Square and goes through the city. There is a metric which is about 65 to 70 miles. Then there is the one hundred miles.

**Motion: Commissioner Stucki MOVED to approve the Conditional Use Permit Extension for the "Tour de St. George" spring event to be held April 20, 2013 and Fall event October 26, 2013. The route will loop from St. George up Highway 18 to Veyo then back via the road from Veyo to Gunlock and Highway 91 back to St. George; Spin Geeks, LLC/Red Rock Bicycle, applicant. Commissioner Balen SECONDED. The motion carried with all six (6) Commissioners voting in favor.**

**VI. STAFF DECISIONS.** Review of decisions from the Land Use Authority Staff Meeting held on January 22, 2013 and February 5, 2013; County initiated.

Mr. Gardner reported on the Planning Meetings as follows:

**ACTIONS OF THE LAND USE AUTHORITY STAFF MEETING**  
**January 22, 2013**

The staff meeting convened at 9:30 a.m. Staff Members Present: Kurt Gardner, Building Official; Doreen Bowers-Irons, Acting Planning & Zoning Administrator; and Todd Edwards, County Engineer.

Excused: Ron Whitehead, Public Works; Eric Clarke, Deputy Civil Attorney; Tina Esplin, Washington County Water Conservancy District; Darwin Hall, Ash Creek Special Service District; Becky Marchal, Questar Preconstruction Specialist; Director Paul Wright, Department of Environmental Quality; and Robert Beers, Southwest Utah Public Health Department.

**CONDITIONAL USE PERMITS:**

**A. Request permission to build a single family dwelling within the A-20 zone, Red Butte Terrace Subdivision Lot 2 located near New Harmony. Charles & Laurie McKnight, applicant/Dennis Miller, agent.**

The applicant has met the requirements for a Conditional Use Permit by submitting a site plan, deeds of ownership, septic permit from the Southwest Utah Public Health Department, and verification of water from North Valley Ranches Culinary Water Corp. Single family dwellings are conditionally approved within the A-20 zone, with the property containing 20 acres, located in the Prince Red Butte Terrace Subdivision lot 2. The site plan meets all setback requirements for 25' on the sides, rear and frontage. Fire suppression will be looked at during the building permit phase, following the guidelines of the Wildlands Urban Interface Code. **The staff felt there would be no problem in approving this Conditional Use Permit for a one (1) year period.**

**There was no meeting on February 5, 2013.**

**VII. MINUTES.** Consider approval of the minutes of the regular Planning Commission meeting held January 08, 2013.

The Commission discussed the minutes.

**Motion: Commissioner Balen MOVED to adopt the Minutes of January 08, 2013 as written. Commission Cropper SECONDED. The motion carried with all six (6) Commissioners voting in favor.**

**VIII. COUNTY COMMISSION ACTION REVIEW.** Review of action taken by the County Commission on Planning Items; County initiated.

Mr. Gardner reported on items on the County Commission agenda of January 15, 2013 from the Planning Commission that was approved as follows: (a) Plat Amendment: Waive development standards on a plat amendment for Lonnie Truman Subdivision Amended, to add a cul-de-sac to access two (2) new lots, one (1) flag lot, and revise Lot 1, Section 15, T39S, R15W, SLB&M, generally located along Sage Road in Pine Valley; Lonnie and Delmont Truman, applicants / Shawn with Rosenberg Associates as agent.

**VIII. COMMISSION & STAFF REPORTS.** General reporting on various topics; County initiated.

Eric Clark, staff, and the commission discussed conditional use permits and their extensions. There was concern regarding property rights, time frame limits, having both the property owner and applicant both sign conditional use permit applications to ensure the owners know what activities are taking place on the property. After a lengthy discussion regarding conditional use permits and the concerns related to the uses, Mr. Clarke stated he and the planner will meet and come up with a draft for the commission to review in a future meeting as to where the commission would like to go with the conditional use permit extension process.

**Commissioner Ford moved to adjourn the meeting at 3:25 p.m.**

---

Chris Hall, Commission Administrative Assistant

Approved: 13 March 2012